IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 25 OF 2005

Crescent Developer. ... Appellants.

Versus.

Nazer Mohamed Maulabux & ors. ... Respondents.

Shri Salesh Doctor i/by M/s.Negandhi Shah & Himayatullah for the Appellants.

Shri P.K.Dhakephalkar with Shri Pradeep J.Ramchandra for the Respondent No.1.

Ms.Geeta Mulekar, A.G.P. for Respondent No.2.

CORAM : ABHAY S. OKA, J.

DATED : 18th January, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. This Appeal is filed by the original Defendant No.5 taking exception to the order dated 15th July 2004. By the impugned order pending final disposal of the Notice of Motion for interim relief, ad-interim relief has been granted. The said order is operating from 15th July 2004 and there is no ad-interim relief granted by this Court in this Appeal. In view of this position, no purpose will be served by entertaining this Appeal. The Appellant has already filed reply to the Notice of Motion pending in the City Civil Court. The learned Counsel appearing for the Respondent No.1/Plaintiff states that he will filed rejoinder within a period of two weeks from today.

2. The Appeal is not entertained. The same is dismissed. No order as to costs. The learned trial Judge is directed to dispose of the Motion as expeditiously as possible and in any event within a period of 8 weeks from production of the authenticated copy of this order. It is obvious that the learned trial Judge will not be influenced by the ad-interim order and confirmation thereof by this Court while deciding the Notice of Motion finally and the Notice of Motion will be decided on its own merits.

3. The parties and the concerned Court shall act on authenticated copy of this order.

Judge.